IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 8074 of 2007(J)

CRIME NO.515 OF 2005 OF ANTHIKKAD POLICE STATION

PETITIONER:

LEON,S/O.DEVASSY,THATTIL MANDY HOUSE,
PUTHNPEEDIKA DESOM,KIZHAKKUMMURY VILLAGE,THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:

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1. STATE OF KERALA,REP.BY THE SECRETARY,
DEPARTMENT OF HOME AFFAIRS,SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POICE,THRISSUR.

3. D.I.G OF POLICE,THRISSUR.

4. A.S.I OF POLICE,ANTHIKKAD POLICE
STATION,ANTHIKKAD,THRISSUR.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.8074 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- PHOTOCOPY OF THE DISCHARGE CARD IN I.P.NO.23952 ISSUED BY THE MEDICAL COLLEGE HOSPITAL, THRISSUR TO PETITIONER.

EXT.P2:- PHOTOCOPY OF C.T.SCAN REPORT ISSUED BY DR.K.C.PYARELAL MD OF ELITE MISSION HOSPITAL, THRISSUR.

EXT.P3:- PHOTOCOPY OF F.I.R.NO.514 DATED 1-12-05 OF ANTHIKKAD POLICE STATION RECORDED BY 4TH RESPONDENT.

EXT.P4:- PHOTOCOPY OF F.I.R.NO.515 DATED 2-12-05 RECORDED BY H.C.2622 OF ANTHIKKAD POLICE STATION.

EXT.P5:- PHOTOCOPY OF F.I.STATEMENT OF PETITIONER DATED 2-12-05.

EXT.P6:- PHOTOCOPY OF NOTICE DATED 24-3-06 ISSUED BY 4TH RESPONDENT.

EXT.P7:- PHOTOCOPY OF COMPLAINT MADE BY PETITIONER TO 2ND RESPONDENT.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.8074 of 2007

Dated this the 28th day of March 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation is being conducted into crime No.515 of 2005 of Anthikkad police station registered under Sections 323,324 and 325 read with 34 I.P.C. The learned Public Prosecutor was directed to take instructions. The learned Public Prosecutor submits that proper and efficient investigation has already been conducted and the final report has already been filed before the learned Magistrate. The learned Magistrate has taken cognizance of the offences punishable interalia under Section 326 I.P.C. The case now stands registered as C.C.No.219 of 2006 before the Judicial First Class Magistrate Court-II, Thrissur.

2. The learned counsel for the petitioner, however, raises a further grievance that an offence under Section 308 I.P.C. is also revealed. The petitioner can raise that contention before the learned Magistrate at the time of framing charge or thereafter. I do not find any reason to issue any directions invoking the powers under Article 226 of the Constitution.

3. This writ petition is, accordingly, dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006